

ESTTA Tracking number: **ESTTA680136**

Filing date: **06/25/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	B.C. Marketing Concepts, Inc., DBA Full Sail Brewing Company		
Entity	Corporation	Citizenship	Oregon
Address	506 Columbia Street Hood River, OR 97031 UNITED STATES		

Attorney information	Charles H. DeVoe Kolisch Hartwell, PC 520 SW Yamhill Street, Suite 200 Portland, OR 97204 UNITED STATES docketing@khpatent.com, chuck@khpatent.com, heidi@khpatent.com Phone:503-224-6655
----------------------	---

**Registration Subject to Cancellation**

Registration No	4736978	Registration date	05/12/2015
Registrant	Speakeasy Ales & Lagers, Inc. P.O. Box 882724 San Francisco, CA 941882724 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 032. First Use: 2014/12/26 First Use In Commerce: 2014/12/26 All goods and services in the class are cancelled, namely: Beer, ale, lager, stout, porter, shandy
--


**Grounds for Cancellation**


Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Marks Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	3113041	Application Date	01/07/2005
Registration Date	07/04/2006	Foreign Priority Date	NONE
Word Mark	SESSION		

Design Mark	SESSION
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2004/12/01 First Use In Commerce: 2005/05/10 Brewed Malt Based Alcoholic Beverages, Namely Beer, Ales and Lagers

U.S. Registration No.	4224510	Application Date	11/08/2011
Registration Date	10/16/2012	Foreign Priority Date	NONE
Word Mark	SESSION		
Design Mark			
Description of Mark	The mark consists of the word "Session" in stylized font with a diamond-shaped background with two rounded ends.		
Goods/Services	Class 032. First use: First Use: 2005/05/10 First Use In Commerce: 2005/05/10 Beer, ale and lager; Brewed malt-based alcoholic beverage in the nature of a beer		

U.S. Registration No.	4224511	Application Date	11/08/2011
Registration Date	10/16/2012	Foreign Priority Date	NONE
Word Mark	SESSION		
Design Mark			
Description of Mark	The mark consists of the word "Session" in stylized font.		
Goods/Services	Class 032. First use: First Use: 2005/05/10 First Use In Commerce: 2005/05/10 Beer, ale and lager; Brewed malt-based alcoholic beverage in the nature of a		

	beer		
U.S. Registration No.	4265584	Application Date	11/08/2011
Registration Date	12/25/2012	Foreign Priority Date	NONE
Word Mark	SESSION FEST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2011/10/01 First Use In Commerce: 2011/10/01 Brewed malt-based alcoholic beverage inthe nature of a beer; lagers		
U.S. Registration No.	4265585	Application Date	11/08/2011
Registration Date	12/25/2012	Foreign Priority Date	NONE
Word Mark	SESSION LAGER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2005/05/10 First Use In Commerce: 2005/05/10 Brewed malt-based alcoholic beverage inthe nature of a beer; Lagers		
U.S. Registration No.	4265586	Application Date	11/08/2011
Registration Date	12/25/2012	Foreign Priority Date	NONE
Word Mark	SESSION BLACK		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2009/06/24 First Use In Commerce: 2009/06/24 Brewed malt-based alcoholic beverage in the nature of a beer; lagers

Attachments	78544241#TMSN.png( bytes ) 85467014#TMSN.png( bytes ) 85467018#TMSN.png( bytes ) 85467009#TMSN.png( bytes ) 85467010#TMSN.png( bytes ) 85467012#TMSN.png( bytes ) 20150625 Petition for Cancellation FSA403CAN1 SUDS SESSION Speak-easy.pdf(1637379 bytes )
-------------	---

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Charles H. DeVoe/
Name	Charles H. DeVoe
Date	06/25/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**


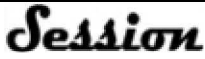
In the matter of trademark Registration No	4736978
For the mark	SUDS SESSION
Registered on	May 12, 2015

B C Marketing Concepts, Inc.,	)	
dba Full Sail Brewing Company,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No.
	)	
Speakeasy Ales & Lagers, Inc.,	)	
	)	
Registrant.	)	
<hr style="width: 100%;"/>		

**PETITION FOR CANCELLATION**

In the matter of the registration of Speakeasy Ales & Lagers, Inc. ("Registrant"), for the trademark SUDS SESSION, Registration No. 4,736,978, registered May 12, 2015, B C Marketing Concepts, Inc., dba Full Sail Brewing Company, a corporation of Oregon, having its principal place of business at 506 Columbia Street, Hood River, Oregon 97031 ("Petitioner"), believes that it is being damaged by registration of the mark shown in Registration No. 4,736,978, and hereby petitions for cancellation of the registration.

**Petitioner's Registered SESSION Marks**

SESSION	3,113,041
	4,224,510
SESSION and Design	
SESSION (Stylized) 	4,224,511
SESSION FEST	4,265,584
SESSION LAGER	4,265,585
SESSION BLACK	4,265,586

The grounds for cancellation are as follows.

1. Petitioner, B C Marketing Concepts, Inc., dba Full Sail Brewing Company, is a manufacturer and distributor of brewed malt based alcoholic beverages, namely beer, ales and lagers and the owner of intellectual property rights, including the rights to use SESSION for brewed malt based alcoholic beverages, including beer, ales and lagers.

2. Petitioner has marketed brewed malt based alcoholic beverages, namely beer, ales and lagers throughout the United States under the now-well-known name SESSION since at least December 1, 2004, and owns Reg. No. 3,113,041, registered July 4, 2006 for the mark SESSION. A copy of Reg. No. 3,113,041 is attached hereto as Exhibit 1.

3. Petitioner has marketed beer, ale and lager; brewed malt based alcoholic beverages in the nature of a beer throughout the United States under the well-known name SESSION & Design since at least May 10, 2005, and owns Reg. No. 4,224,510, registered October 16, 2012 for the mark SESSION & Design. A copy of Reg. No. 4,224,510 is attached hereto as Exhibit 2.

4. Petitioner has marketed beer, ale and lager; brewed malt based alcoholic beverages in the nature of a beer throughout the United States under the well-known name SESSION in stylized format since at least May 10, 2005, and owns Reg. No. 4,224,511, registered October 16, 2012 for the mark SESSION (Stylized). A copy of Reg. No. 4,224,511 is attached hereto as Exhibit 3.

5. Petitioner has marketed brewed malt based alcoholic beverages in the nature of a beer; lagers throughout the United States under the well-known name SESSION FEST since at least October 1, 2011, and owns Reg. No. 4,265,584, registered

December 25, 2012 for the mark SESSION FEST. A copy of Reg. No. 4,265,584 is attached hereto as Exhibit 4.

6. Petitioner has marketed brewed malt based alcoholic beverages in the nature of a beer; lagers throughout the United States under the well-known name SESSION LAGER since at least May 10, 2005, and owns Reg. No. 4,265,585, registered December 25, 2012 for the mark SESSION LAGER. A copy of Reg. No. 4,265,585 is attached hereto as Exhibit 5.

7. Petitioner has marketed brewed malt based alcoholic beverages in the nature of a beer; lagers throughout the United States under the well-known name SESSION BLACK since at least June 24, 2009, and owns Reg. No. 4,265,586, registered December 25, 2012 for the mark SESSION BLACK. A copy of Reg. No. 4,265,586 is attached hereto as Exhibit 6.

8. Petitioner never has abandoned any of the above-listed marks, referred to collectively as the "SESSION marks." Petitioner's SESSION marks are symbolic of extensive good will and consumer recognition built up by Petitioner through substantial amounts of time and effort in advertising and promotion.

9. Petitioner's marks SESSION, SESSION in stylized format, SESSION & Design, SESSION LAGER, SESSION BLACK, and SESSION FEST are each a very well-known trademark in the United States.

10. Notwithstanding Petitioner's rights in and to its SESSION marks, Registrant, on November 15, 2014, filed an application for registration of the mark SUDS SESSION for beer, ale, lager, stout, porter, shandy.

11. The application for SUDS SESSION was amended to the Supplemental Register, and then issued as Reg. No. 4,736,978 on May 12, 2015.

12. Registration of the mark SUDS SESSION for use on beer, ale, lager, stout, porter, and shandy has damaged and is damaging Petitioner.

13. Registration of the mark SUDS SESSION for use on beer, ale, lager, stout, porter, and shandy has interfered and is interfering with Petitioner's enforcement of its SESSION marks.

14. Registrant's mark SUDS SESSION, when used in connection with beer, is confusingly similar to Petitioner's registered SESSION marks.

15. Registrant's mark SUDS SESSION, when used in connection with beer, is likely to cause confusion, mistake, and deception.

16. Registrant's use of the mark SUDS SESSION on beer, ale, lager, stout, porter, and shandy has damaged and is damaging Petitioner.

17. Registrant's use of the mark SUDS SESSION on beer, ale, lager, stout, porter, and shandy has interfered and is interfering with Petitioner's enforcement of its SESSION marks.

18. Registrant's use of SUDS SESSION on beer has interfered and is interfering with Petitioner's use of its SESSION marks.

19. Registrant's continued use of SUDS SESSION on beer will seriously damage Petitioner.

20. Registrant has gained an unfair advantage from the notoriety of Petitioner's well known SESSION marks, by registering and using SUDS SESSION.

WHEREFORE, Petitioner, B C Marketing Concepts, Inc., dba Full Sail Brewing Company, believes that it will be damaged by Registrant's mark, and prays that the registration be cancelled.

DATED June 25, 2015.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

/Charles H. DeVoe/

Charles H. DeVoe  
Registration No. 37305  
Customer No. 23581  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679

CERTIFICATE OF ELECTRONIC SUBMISSION

I hereby certify that this correspondence, is being filed electronically with the United States Patent & Trademark Office Trademark Trial and Appeal Board on June 25, 2015.

/Heidi Dutro/

Heidi Dutro  
Date of Signature: June 25, 2015


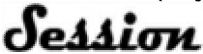
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PETITION FOR CANCELLATION was served on Registrant's attorney via first class mail, in an envelope addressed to:

Scott W. Petersen, Esq.  
Holland & Knight LLP  
30<sup>th</sup> Floor  
131 South Dearborn Street  
Chicago, Illinois 60603

on June 25, 2015.

/Charles H. DeVoe/  
Charles H. DeVoe, Reg. No. 37305  
Attorney for Petitioner

EXHIBIT 1	SESSION	3,113,041	International Class: 32 Brewed malt based alcoholic beverages, namely beer, ales and lagers
EXHIBIT 2	SESSION and  Design	4,224,510	International Class: 32 Beer, ale and lager; brewed malt-based alcoholic beverage in the nature of a beer
EXHIBIT 3	SESSION (Stylized) 	4,224,511	International Class: 32 Beer, ale and lager; brewed malt-based alcoholic beverage in the nature of a beer
EXHIBIT 4	SESSION FEST	4,265,584	International Class: 32 Brewed malt-based alcoholic beverage in the nature of a beer; lagers
EXHIBIT 5	SESSION LAGER	4,265,585	International Class: 32 Brewed malt-based alcoholic beverage in the nature of a beer; lagers
EXHIBIT 6	SESSION BLACK	4,265,586	International Class: 32 Brewed malt-based alcoholic beverage in the nature of a beer; lagers

**Int. Cl.: 32**

**Prior U.S. Cls.: 45, 46, and 48**

**Reg. No. 3,113,041**

**United States Patent and Trademark Office**

**Registered July 4, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**SESSION**

B.C. MARKETING CONCEPTS (OREGON CORPORATION), DBA FULL SAIL BREWING COMPANY,  
506 COLUMBIA STREET  
HOOD RIVER, OR 97031

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: BREWED MALT BASED ALCOHOLIC BEVERAGES, NAMELY BEER, ALES AND LAGERS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

SN 78-544,241, FILED 1-7-2005.

FIRST USE 12-1-2004; IN COMMERCE 5-10-2005.

JASON ROTH, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,224,510**

**Registered Oct. 16, 2012**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

B. C. MARKETING CONCEPTS, INC. (OREGON CORPORATION), DBA FULL SAIL  
BREWING COMPANY  
506 COLUMBIA STREET  
HOOD RIVER, OR 97031

FOR: BEER, ALE AND LAGER; BREWED MALT-BASED ALCOHOLIC BEVERAGE IN THE  
NATURE OF A BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-10-2005; IN COMMERCE 5-10-2005.

THE MARK CONSISTS OF THE WORD "SESSION" IN STYLIZED FONT WITH A DIAMOND-  
SHAPED BACKGROUND WITH TWO ROUNDED ENDS.

SER. NO. 85-467,014, FILED 11-8-2011.

BARBARA RUTLAND, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

***Session***

**Reg. No. 4,224,511**

**Registered Oct. 16, 2012**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

B. C. MARKETING CONCEPTS, INC. (OREGON CORPORATION), DBA FULL SAIL  
BREWING COMPANY  
506 COLUMBIA STREET  
HOOD RIVER, OR 97031

FOR: BEER, ALE AND LAGER; BREWED MALT-BASED ALCOHOLIC BEVERAGE IN THE  
NATURE OF A BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-10-2005; IN COMMERCE 5-10-2005.

THE MARK CONSISTS OF THE WORD "SESSION" IN STYLIZED FONT.

SER. NO. 85-467,018, FILED 11-8-2011.

BARBARA RUTLAND, EXAMINING ATTORNEY



*David J. Kyjars*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## SESSION FEST

**Reg. No. 4,265,584**

**Registered Dec. 25, 2012**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

B. C. MARKETING CONCEPTS, INC. (OREGON CORPORATION), DBA FULL SAIL  
BREWING COMPANY,  
506 COLUMBIA STREET  
HOOD RIVER, OR 97031

FOR: BREWED MALT-BASED ALCOHOLIC BEVERAGE IN THE NATURE OF A BEER;  
LAGERS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 10-1-2011; IN COMMERCE 10-1-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,113,041.

SN 85-467,009, FILED 11-8-2011.

BARBARA RUTLAND, EXAMINING ATTORNEY



*David J. Kyros*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## SESSION LAGER

**Reg. No. 4,265,585**

**Registered Dec. 25, 2012**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

B. C. MARKETING CONCEPTS, INC. (OREGON CORPORATION), DBA FULL SAIL  
BREWING COMPANY,  
506 COLUMBIA STREET  
HOOD RIVER, OR 97031

FOR: BREWED MALT-BASED ALCOHOLIC BEVERAGE IN THE NATURE OF A BEER;  
LAGERS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-10-2005; IN COMMERCE 5-10-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,113,041.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAGER", APART FROM THE MARK AS SHOWN.

SN 85-467,010, FILED 11-8-2011.

BARBARA RUTLAND, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## SESSION BLACK

**Reg. No. 4,265,586**

**Registered Dec. 25, 2012**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

B. C. MARKETING CONCEPTS, INC. (OREGON CORPORATION), DBA FULL SAIL  
BREWING COMPANY,  
506 COLUMBIA STREET  
HOOD RIVER, OR 97031

FOR: BREWED MALT-BASED ALCOHOLIC BEVERAGE IN THE NATURE OF A BEER;  
LAGERS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 6-24-2009; IN COMMERCE 6-24-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,113,041.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BLACK", APART FROM THE MARK AS SHOWN.

SN 85-467,012, FILED 11-8-2011.

BARBARA RUTLAND, EXAMINING ATTORNEY



*David J. Kyros*

Director of the United States Patent and Trademark Office